

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
STEVEN McCLAIN and	:	
RONALD C. MEINZER,	:	VIOLATIONS
a/k/a “Ronald Meinzer Jr.”	:	33 U.S.C. § 1319(c)(2)(A)(knowingly
	:	discharging a pollutant without a permit -
	:	1 count)
	:	33 U.S.C. § 1319(c)(4)(knowingly
	:	tampering with a required monitoring
	:	device and method - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times relevant to this information:

1. Defendant STEVEN McCLAIN was the Director of Public Works for Bristol Township and the Plant Superintendent of the Bristol Township Wastewater Treatment Plant located at 1800 River Road in Croydon, Pennsylvania (hereafter referred to as the “Bristol Plant”).

2. Defendant STEVEN McCLAIN was licensed by the Commonwealth of Pennsylvania as a wastewater treatment plant operator. Prior to becoming the Plant Superintendent, McCLAIN was the Plant Operator at the Bristol Plant.

3. As Plant Superintendent, defendant McCLAIN's duties and responsibilities included, among other things, the general oversight of the Bristol Plant, ultimate responsibility for the supervision of employees, properly maintaining all monitoring systems and alarms in operating condition, signing and certification of monthly Discharge Monitoring Reports (DMRs) required to be filed with the Pennsylvania Department of Environmental Protection, and ensuring compliance with all applicable federal, state and local laws, including the Bristol Plant's National Pollutant Discharge Elimination System (NPDES) Permit.

4. Defendant RONALD C. MEINZER was the Plant Operator of the Bristol Plant whose job responsibilities included, among other things, supervising other employees at the Bristol Plant, maintaining proper operations at the Plant, including collecting and submitting representative samples of effluent to an environmental testing laboratory for analysis to determine fecal coliform levels, and ensuring that all monitoring devices and alarms were in proper operating condition. MEINZER was licensed by the Commonwealth of Pennsylvania as a wastewater treatment plant operator.

5. The Bristol Plant was a publicly owned treatment works (POTW) that treated primarily domestic sewage.

6. On January 10, 2002, the Pennsylvania Department of Environmental Protection (PADEP), pursuant to its federally authorized Clean Water Act program, issued a National Pollutant Discharge Elimination System (NPDES) Permit ("Permit") to the Bristol Plant which regulated its operations, and placed limitations on discharges of treated sewage from the Bristol Plant into the Delaware River.

7. The Permit set limits on the types and concentration of pollutants that could be discharged from the Bristol Plant into the Delaware River (effluent limitations), authorized a Maximum Monthly Flow of 3.0 million gallons per day (mgd), and specified particular locations where treated sewage could be discharged from the Bristol Plant into the Delaware River.

8. The Permit required representative samples of the Bristol Plant's treated effluent to be periodically collected and analyzed by an off-site laboratory to determine the Plant's compliance or non-compliance with the Permit's effluent limitations, including fecal coliform levels. As supervisors of the Bristol Plant, defendants STEVEN McCLAIN and RONALD C. MEINZER, were required to collect such representative effluent samples, truthfully and accurately report the test results on the Bristol Plant's Discharge Monitoring Reports (DMRs) and submit the DMRs to PADEP on a monthly basis. The DMRs were signed by defendant STEVEN McCLAIN as being true, accurate and complete, together with an acknowledgment that he was aware of the penalties for submitting false information.

9. The Permit additionally required that monitoring devices, including but not limited to, alarms, be installed on equipment at the Bristol Plant such as chlorine tanks and digesters, and that the alarms and monitors be maintained and operated properly to prevent unpermitted discharges of sewage, sludge, and other pollutants and substances.

10. Pursuant to the Federal Water Pollution Control Act, otherwise known as the Clean Water Act ("CWA"), 33 U.S.C. §§ 1251 et seq., discharges of pollutants into waters of the United States are regulated by the United States Environmental Protection Agency (EPA) and federally authorized states through the NPDES permit program. The Commonwealth of Pennsylvania has a federally authorized NPDES permit program and PADEP is primarily

responsible for issuing NPDES permits and overseeing compliance with such permits in the Commonwealth of Pennsylvania.

11. The CWA makes it a crime for a person to knowingly discharge a pollutant into waters of the United States, such as the Delaware River, without a NPDES permit or in violation of a NPDES permit. 33 U.S.C. § 1319(c)(2)(A).

12. Defendants STEVEN McCLAIN and RONALD C. MEINZER are “persons” within the meaning of that term as defined by the CWA. 33 U.S.C. § 1362(5).

13. From in or about August of 2004 through September of 2004, defendants STEVEN McCLAIN and RONALD C. MEINZER knowingly discharged thousands of gallons of untreated sewage and sludge from the Bristol Plant into the Delaware River in violation of its NPDES permit by discharging this untreated sewage and sludge through a pipe that was not an authorized discharge point identified in the Bristol Plant’s NPDES Permit.

14. Untreated sewage and sludge are “pollutants” within the meaning of that term as defined by the CWA. 33 U.S.C. § 1362(6).

15. The Delaware River is a “navigable water” and “water of the United States” within the meaning of those terms as defined by the CWA. 33 U.S.C. § 1362(7).

16. From in or about August 2004 through in or about September 2004, in Bristol Township, Pennsylvania, in the Eastern District of Pennsylvania, defendants

**STEVEN McCLAIN and
RONALD C. MEINZER,
a/k/a “Ronald Meinzer Jr.”**

aided and abetted the knowing discharges, and willfully caused knowing discharges, of pollutants

into a water of the United States in violation of a permit as required by the Clean Water Act.

In violation of Title 33, United States Code, Section 1319(c)(2)(A), and Title 18, United States Code, Section 2.

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. The allegations contained in Paragraphs 1 through 15 of this Information are incorporated here by reference.

2. The Bristol Plant's Permit required that collected effluent samples be "representative" of the Bristol Plant's effluent discharge into the Delaware River, and that this "representative" sampling was a method to determine whether the Bristol Plant was in compliance with the Permit's effluent limitations.

3. Despite the Permit's requirement for a representative sampling method, defendants STEVEN McCLAIN and RONALD C. MEINZER, beginning in or about 1997 and continuing through at least June 2005, knowingly added, and directed other Bristol Plant employees to add, chlorine bleach to effluent samples, thus rendering them "unrepresentative" for purposes of the Permit. The chlorine bleach was added to kill fecal coliform in the samples and in order to obtain false test results by showing that the Bristol Plant was in compliance with the Permit's effluent limitations.

4. Despite the Permit's requirement that monitoring devices, including alarms, be properly operated and maintained, defendants STEVEN McCLAIN and RONALD C. MEINZER, beginning in or about 1997 and continuing through at least June 2005, knowingly tampered with, disconnected, and failed to maintain in good operating condition, monitoring devices including alarms, on chlorine tanks and digesters at the Bristol Plant, and allowed such monitoring devices and alarms to remain inoperable, thereby creating a potential threat to public

health and the environment.

5. The CWA makes it a crime for a person to knowingly tamper with or render inaccurate any monitoring device or method required to be maintained under the CWA or a NPDES permit issued pursuant to the CWA. 33 U.S.C. § 1319(c)(4).

6. From in or about 1997 and continuing through at least June 2005, in Bristol Township, Pennsylvania, in the Eastern District of Pennsylvania, defendants

**STEVEN McCLAIN and
RONALD C. MEINZER,
a/k/a “Ronald Meinzer Jr.”**

knowingly tampered with and rendered inaccurate, monitoring devices and methods required by the Clean Water Act and the Bristol Plant’s NPDES Permit, to be maintained and utilized at the Bristol Plant.

In violation of Title 33, United States Code, Section 1319(c)(4), and Title 18, United States Code, Section 2.

PATRICK L. MEEHAN
United States Attorney